

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

SOLOMAN JEROME MCWILLIAMS

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Case No. 2:05CR302-WHA

United States' Motion to Withdraw Motion for Downward Departure

The United States moves to withdraw its previous motion to reduce Soloman Jerome McWilliams's offense level by one-level based on McWilliams's acceptance of responsibility. As grounds for this Motion, the United States notes:

1. On August 22, 2006, the Probation Officer circulated his initial Presentence Investigation Report. The Report calculated a two level enhancement for McWilliams's possession of a stolen handgun, see U.S.S.G. § 2K2.1(b)(4), which resulted in an adjusted offense level of 16 for McWilliams.

2. Based upon a calculated adjusted offense level of 16, the United States moved for a downward departure of one level for McWilliams's acceptance of responsibility to which McWilliams was entitled. The United States filed the motion on August 24, 2006, in an abundance of caution and in order to comply with the Court's ordered filing deadline for motions for downward departure. See Doc. 41.

3. On August 29, 2006, after further investigation and in consultation with the parties, the Probation Officer has advised that he will amend his Report to remove the two

level enhancement for possession of a stolen handgun. The amended Report will result in an adjusted offense level of 14.

4. At an adjust offense level of 14, the United States may not move and McWilliams is not entitled to receive a third level of reduction for acceptance of responsibility. See U.S.S.G. §3E1.1(b).

5. Therefore, the United States requests to withdraw its prior motion for a one-level reduction in McWilliams's offense level for acceptance of responsibility.

Respectfully submitted this the 30th day of August, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Kevin L. Butler.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney